

MAR 29 2007

REPLY UNDER 37 CFR 1.116 -

EXPEDITED PROCEDURE - TECHNOLOGY CENTER 2100

Serial No. 09/989,967

PAGE 8

Title: IMAGING DEVICE LIST STORAGE

Attorney Docket No. 1008078-1

REMARKS**Claim Amendments**

Claims 1, 3, 5, 9, 13, 15, and 19-20 are amended herein.

Applicant respectfully notes that claims 1, 13 and 15 have been amended to incorporate the limitations of an embedded webserver and storing a list of network addresses of other imaging devices and supplemental information, wherein the supplemental information on the other imaging devices is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate.

Applicant also notes that dependent claims 3 and 19 have been amended to recite the limitation of mirroring the list of other imaging device network addresses and supplemental information through the network interface to another imaging device upon request, and claims 5 and 20 have been amended to recite that the imaging device usage information is one of job origin, number of pages imaged, number of copies of jobs received, number of errors, types of errors, marking material usage, and marking material level.

In the Specification

Applicant has amended Paragraph [0034] of the Present Application to correct a typographical error. In Paragraph [0034], Applicant has changed the reference "In Figure 3B, an imaging device embodiment of the present invention that is doing an imaging device discovery pings a network address 340 to detect if a network device is present at the network address." to state "In Figure 3C, an imaging device embodiment of the present invention that is doing an imaging device discovery pings a network address 340 to detect if a network device is present at the network address." Applicant contends that support for this change is apparent from the text and reference numbers of Paragraph [0034] and that no new matter has been added by correction of this typographical error. Applicant therefore respectfully requests that the Examiner approve the amendment to Paragraph [0034] of the specification.

REPLY UNDER 37 CFR 1.116—**EXPEDITED PROCEDURE—TECHNOLOGY CENTER 2100**

Serial No. 09/989,967

PAGE 9

Title: IMAGING DEVICE LIST STORAGE

Attorney Docket No. 1008078-1

Response to Arguments

The Examiner stated in the Response to Arguments in Items 1 and 2 on Page 2 of the Final Office Action mailed January 29, 2007:

1. Applicant contends that U.S. Patent No. 6,021,429 to Danknick (hereinafter "Danknick") does not teach the claimed term "embedded webserver" because one of ordinary skill in the art would allegedly interpret the term to necessarily require use of the hypertext transfer protocol (HTTP). See Remarks at 8. The examiner agrees. However, the examiner takes official notice that HTTP was notoriously well known. It would have been obvious to one of ordinary skill in the art to HTTP here for numerous reasons such as because of it's wide deployment and acceptance, it's ability to work well across networks and through firewalls, etc.
2. Applicant contends that Danknick does not teach an imaging device that stores a list of other imaging device network addresses and communicates the list of other imaging device network addresses through a network interface to an imaging device management facility. Remarks at 9-10. The examiner disagrees. Danknick clearly teaches an imaging device (print engine) that stores a list of other imaging device network addresses and communicates the list of other imaging device network addresses through a network interface (30) to an imaging device management facility: (network administrator's remote computer). *See* Danknick at col. 8, ll. 29-64.

Applicant disagrees and herein traverses the Examiner taking Official Notice of the "that HTTP was notoriously well known" and that therefore an imaging device with a management facility incorporated or expressed through an embedded webserver would have been obvious to one skilled in the art. In particular, Applicant respectfully maintains that, even if HTTP is considered notoriously well known, it would not be obvious to one skilled in the art to incorporate an embedded webserver in the printer of Danknick, or to transfer a list of other printer addresses and supplemental information from the printer of Danknick to another imaging device or management facility with HTTP. Applicant therefore respectfully requests that the Examiner cite to a reference or provide reasoning in support of this position, as required by

REPLY UNDER 37 CFR 1.116 –**EXPEDITED PROCEDURE – TECHNOLOGY CENTER 2100**

Serial No. 09/989,967

PAGE 10

Title: IMAGING DEVICE LIST STORAGE

Attorney Docket No. 1008078-1

MPEP §2144.03. Applicant contends that one of ordinary skill in the art would recognize browsers, web servers and HTTP as a client/server architecture and protocol that is utilized to access across a network to static or dynamic documents from a web server and render the page returned for a user's viewing in a browser and is not generally utilized for imaging device communication. Applicant therefore contends that sufficient information or argument was given in the Applicant's above arguments to create on its face a reasonable doubt regarding the circumstances justifying any official notice by the Examiner regarding this matter.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-4, 6-11 and 13-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Danknick (U.S. Patent No. 6,021,429). Applicant respectfully traverses this rejection and submits that claims 1-4, 6-11 and 13-19, as amended, are allowable for the following reasons.

Applicant respectfully notes that the "supplemental information" of Danknick, Column 7, Line 45 to Column 8, Line 28, relied upon by the Examiner in rejecting claims 3 and 19 on Pages 4 and 6 of the Final Office Action mailed January 29, 2007 refer to either an address expiration time or a Network Information File (NIF), which is disclosed as only storing network board-invariant information. Applicant therefore respectfully maintains that Danknick discloses a network device that discovers and stores a list of networked devices that respond to the same specialized discovery protocol on a network and does not teach or disclose an imaging device that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device. *See*, Danknick, Figures 1-2, and 5A-5B; Abstract; Column 7, line 25 to Column 8, line 65.

Applicant also continues to respectfully maintain that Danknick does not disclose an embedded web server at Column 8, Lines 29-65, but a standalone program (CPUTIL) and related specialized communication socket (CPSOCKET) used by the network administrator. Applicant

REPLY UNDER 37 CFR 1.116 -**EXPEDITED PROCEDURE - TECHNOLOGY CENTER 2100**

Serial No. 09/989,967

PAGE 11

Title: IMAGING DEVICE LIST STORAGE

Attorney Docket No. 1008078-1

therefore respectfully submits that Danknick fails to teach or disclose all elements of the Applicant's claimed invention.

Applicant's claim 1, as amended, recites "[a]n imaging device comprising: an image generator, wherein the image generator is a print engine internal to a first imaging device; a network interface, wherein the network interface is adapted to couple the first imaging device to a network; an embedded webserver with a management facility; and a controller coupled to the network interface and the image generator, wherein the controller is internal to the first imaging device and is adapted to store a list of other imaging device network addresses; wherein the controller is adapted to communicate the list of other imaging device network addresses through the network interface to an imaging device management facility upon request; and wherein the list of other imaging device network addresses contains supplemental information on each of the other imaging devices, where the supplemental information is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate." As detailed above, Applicant submits that Danknick fails to teach or disclose such an imaging device having an embedded webserver with a management facility that is adapted to store a list of other imaging device network addresses that is adapted to communicate the list of other imaging device network addresses through the network interface to an imaging device management facility upon request, wherein the list of other imaging device network addresses further comprises supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate. As such, Danknick fails to teach or disclose all elements of claim 1.

Applicant's claim 13, as amended, recites "[a] computer-usable medium having computer readable instructions stored thereon for execution by a processor of an imaging device to perform a method comprising: determining a list of network addresses for other imaging devices similar to a first imaging device, wherein the first imaging device contains a print engine; storing the list of network addresses on the first imaging device; and communicating with the other similar imaging devices utilizing a management facility on an embedded webserver of the imaging device by referring to the list of network addresses for the other imaging devices; wherein

REPLY UNDER 37 CFR 1.116-**EXPEDITED PROCEDURE - TECHNOLOGY CENTER 2100**

Serial No. 09/989,967

PAGE 12

Title: IMAGING DEVICE LIST STORAGE

Attorney Docket No. 1008078-1

determining a list of network addresses for other imaging devices similar to a first imaging device further comprises determining supplemental information on the other imaging devices, where the supplemental information is one of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate." As detailed above, Applicant submits that Danknick fails to teach or disclose such a computer-usable medium and method for execution by a processor of an imaging device to store a list of other similar imaging device network addresses and communicate with the other similar imaging devices utilizing a management facility on an embedded webserver utilizing the list of other imaging device network addresses through a network interface, wherein the list of other imaging device network addresses further comprises supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate. As such, Danknick fails to teach or disclose all elements of claim 13.

Applicant's claim 15, as amended, recites "[a] method of operating an imaging device, the method comprising: determining a list of network addresses and supplemental information for other imaging devices similar to a first imaging device, wherein the first imaging device contains a print engine; storing the list of network addresses on the first imaging device, wherein the supplemental information is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate; referring to the list of network addresses of other imaging devices for communication between imaging devices; and directing the communication between the first imaging device and the other similar imaging devices through a network interface with a webserver and management facility embedded in the first imaging device." As detailed above, Applicant submits that Danknick fails to teach or disclose such a method of operating an imaging device that determines and stores a list of other similar imaging device network addresses and supplemental information on each imaging device associated with the list of network addresses of other similar imaging devices wherein the supplemental information is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information,

REPLY UNDER 37 CFR 1.116 -**EXPEDITED PROCEDURE - TECHNOLOGY CENTER 2100**

Serial No. 09/989,967

PAGE 13

Title: IMAGING DEVICE LIST STORAGE

Attorney Docket No. 1008078-1

imaging device status, and imaging device imaging rate, and communicates the list of other imaging device network addresses through a network with a webserver and management facility embedded in the first imaging device. As such, Danknick fails to teach or disclose all elements of claim 15.

Applicant respectfully contends that claims 1, 13 and 15, as pending, has been shown to be patentably distinct from the cited reference. As claims 2-11, 14 and 16-20 depend from and further define claims 1, 13 and 15, respectively, they are also considered to be in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of claims 1-11 and 13-20.

Claim Rejections Under 35 U.S.C. § 103

Claims 5 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Danknick (U.S. Patent No. 6,021,429). Applicant respectfully traverses this rejection and submits that claims 5 and 20, as amended, are allowable for the following reasons.

Applicant respectfully maintains, as stated above in regards to the rejection of claims 1 and 15, from which claims 5 and 20 depend, that Danknick discloses a network device that discovers and stores a list of networked devices that respond to the same specialized discovery protocol on a network and does not teach or suggest an imaging device that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device. *See*, Danknick, Figures 1-2, and 5A-5B; Abstract; Column 7, line 25 to Column 8, line 65.

Applicant also respectfully maintains, that Danknick does not disclose or suggest an embedded webserver at Column 8, Lines 29-65, but a standalone program (CPUTIL) and related specialized communication socket (CPSOCKET) used by the network administrator. As stated above, Applicant traverses the Examiners taking of Official Notice and contends that even if HTTP is considered notoriously well known, it would not be obvious to one skilled in the art to

REPLY UNDER 37 CFR 1.116 -**EXPEDITED PROCEDURE - TECHNOLOGY CENTER 2100**

Serial No. 09/989,967

PAGE 14

Title: IMAGING DEVICE LIST STORAGE

Attorney Docket No. 1008078-1

incorporate an embedded webserver in the printer of Danknick, or to transfer a list of other printer addresses and supplemental information from the printer of Danknick to another imaging device or management facility with HTTP. Applicant respectfully contends that there is no motivation or suggestion to modify the reference in the manner suggested by the Examiner and, further, that by disclosing a standalone program (CPUTIL) and related specialized communication socket (CPSOCKET) used by the network administrator, Danknick teaches away from utilizing an embedded webserver and industry standard HTTP.

Applicant therefore finds no motivation or suggestion to modify the operation of the printer Danknick expressly or impliedly contained in the Danknick reference or the Office's taking of Official Notice of HTTP, and the Office Action does not provide a convincing line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Applicant thus submits that the Office has also failed to meet its burden of establishing a *prima facie* case of obviousness. *See* MPEP § 706.02(j) ("The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. 'To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.'"). Applicant therefore respectfully contends that the Examiner has not met the burden of establishing a *prima facie* case of obviousness in regards to independent claims 1 and 15.

Applicant therefore respectfully maintains that the cited elements of Danknick and the taking of Official Notice of HTTP do not teach or suggest a an imaging device that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device, and as such do not teach all elements of the Applicant's claimed invention, either alone or in combination.

REPLY UNDER 37 CFR 1.116--**EXPEDITED PROCEDURE - TECHNOLOGY CENTER 2100**

Serial No. 09/989,967

Title: IMAGING DEVICE LIST STORAGE

PAGE 15

Attorney Docket No. 1008078-1

Applicant therefore contends that Danknick fails to teach or suggest all elements of claim 1 and 15 from which claims 5 and 20 depend, respectively. Applicant therefore respectfully submits that Danknick thus also fails to teach or suggest all elements of dependent claims 5 and 20. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 5 and 20.

MAR 29 2007

REPLY UNDER 37 CFR 1.116-

EXPEDITED PROCEDURE - TECHNOLOGY CENTER 2100

Serial No. 09/989,967

PAGE 16

Attorney Docket No. 1008078-1

Title: IMAGING DEVICE LIST STORAGE

CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2207.

Respectfully submitted,

Date: 3/29/07

Andrew C. Walseth

Reg. No. 43,234

Attorneys for Applicant
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 East Harmony Rd.
Fort Collins, CO 80527-2400